

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JENIECE ILKOWITZ AND ADAM
ILKOWITZ,

Plaintiffs,

- against -

MICHAEL DURAN, MARLENE ZARFES
A/K/A MARLENE DURAND, ALAN C. PILLA,
HOULIHAN LAWRENCE, INC., JANE H.
CARMODY, THE JUDICIAL TITLE
INSURANCE AGENCY LLC, AND ENCO
HOME INSPECTIONS LLC,

Defendants.

Case No. 17 Civ. 773 (PGG)

**MOTION TO STAY EXECUTION OF THE JUDGMENT PENDING
APPEAL AND TO APPROVE SUPERSEDEAS BOND**

On May 31, 2020, this Court entered a Judgment in the amount of \$28,428.79 for Defendant The Judicial Title Insurance Agency LLC (“Judicial Title”) on its claims for attorneys’ fees and costs. Jean-Claude Mazzola and Messner Reeves, LLP (“Movants”) request that the Court stay execution of the judgment pending appeal of this Court’s May 31, 2020 Order, and approve the filing of a supersedeas cash bond for 111% of the judgment, in the amount of \$31,555.96, to cover the judgment plus interests and costs.

Federal Rules of Civil Procedure, Rule 62(b), which governs the procedure by which a stay is issued during the pendency of appeal, provides:

Stay by Bond or Other Security. At any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security.

Movants now request approval to file a supersedeas cash bond in the amount of \$31,555.96 within three (3) business days of the Court's approval of this Motion, which will stay execution on the judgment pending appeal of the May 31, 2020 Order. This amount covers the judgment in the amount of \$28,428.79, plus interest and costs.

CONCLUSION

Based on the foregoing reasons, Movants respectfully request that the Court grant this Motion in its entirety and approve the filing of a supersedeas cash bond in the amount of \$31,555.96 within three (3) business days of the Court's approval of this Motion, and for all other just and proper relief.

Dated: New York, New York
June 30, 2018

MESSNER REEVES LLP

By: /s/ Abigail Nitka
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*Attorneys for Jean-Claude Mazzola
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CERTIFICATE OF CONFERENCE

I, Mikhail A. Shah, hereby certify that on June 30, 2020, I contacted William J. Geller of Adam Leitman Bailey, P.C., counsel for Defendant Judicial Title, and asked for Judicial Title's position on the requested relief set forth in this Motion. Upon conferral, Judicial Title was not able to provide consent to this Motion at this time.

/s/ Mikhail A. Shah

CERTIFICATE OF SERVICE

I, Abigail Nitka, hereby certify that a true and correct copy of the foregoing **MOTION TO STAY EXECUTION OF THE JUDGMENT PENDING APPEAL AND TO APPROVE SUPERSEDEAS BOND** was served on all counsel of record via the CM/ECF system on this 30th day of June 2020.

/s/ Abigail Nitka